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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,577	07/10/2003	Hideo Ikari	B422-237	1318

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COWAN LIEBOWITZ & LATMAN P.C.  
JOHN J TORRENTE  
1133 AVE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER

SELBY, GEVELL V

ART UNIT PAPER NUMBER

2622

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/616,577

Applicant(s)

IKARI ET AL.

Examiner

Gevell Selby

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 3-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Yasuda, US 2004/0095504.**

In regard to claim 3, Yasuda, US 2004/0095504, discloses an imaging device capable of shooting motion images and still images, comprising:

a first light emitter (see figure 1, element 121) capable of emitting light continuously during motion-image shooting;

a second light emitter (see figure 1, element 120) capable of emitting light during still-image shooting; and

a control circuit (see figure 1, element 118) which controls the first light emitter and the second light emitter (see para. 89), wherein when a predetermined still-image shooting mode is selected, the control circuit causes the first light

emitter to emit light continuously before causing the second light emitter which operates in synchronization with still-image shooting to emit light (see para. 102, 107 and 108).

In regard to claim 4, Yasuda, US 2004/0095504, discloses the imaging device according to claim 3, wherein the control circuit causing the second light emitter to emit light after causing the first light emitter to stop emitting light continuously (see para. 107 and 108).

In regard to claim 5, Yasuda, US 2004/0095504, discloses an imaging device which can communicate with an illuminating device equipped with a first light emitter capable of emitting light continuously and a second light emitter capable of emitting flashing light and which can control light emissions of the illuminating device by sending signals to the illuminating device (see figure 1), the imaging device comprising:

a control circuit (see figure 1, element 118) which sends flash command signals to the first light emitter and second light emitter (see para 89), wherein when a predetermined motion-image shooting mode is selected, the control circuit sends the illuminating device a signal for causing the first light emitter to emit light continuously (see para. 60), and

when a predetermined still-image shooting mode is selected, the control circuit sends the illuminating device a signal for causing the first light emitter to emit light continuously before sending the illuminating device a signal for causing the second light emitter which operates in synchronization with still-image shooting to emit light (see column 102, 107 and 108).

In regard to claim 6, Yasuda, US 2004/0095504, discloses an illuminating device which can communicate with an imaging device comprising a first trigger member for starting to shoot a still image and a second trigger member for starting to shoot motion images and which emits light based on signals sent from the imaging device, the illuminating device comprising;

- a first light emitter capable of emitting light continuously (see figure 1, element 121);

- a second light emitter capable of emitting flashing light (see figure 1, element 120); and

- a control circuit (see figure 1, element 118) which controls the first light emitter and the second light emitter, wherein the control circuit:

- causes the first light emitter to emit light continuously when a first signal is received from the imaging device in response to an operation of the first trigger member (see para. 102), causes the second light emitter to emit light after causing the first light emitter to stop emitting light continuously when a second signal is received in response to an operation of the first trigger member (see para. 107 and 108), and causes the first light emitter to emit light continuously when a signal is received from the imaging device in response to an operation of the second trigger member (see para. 108).

In regard to claim 7, Yasuda, US 2004/0095504, discloses an illuminating device which can communicate with an imaging device capable of shooting motion images and

still images and which emits light based on signals sent from the imaging device (see para. 60), the illuminating device comprising:

a first light emitter (see figure 1, elements 121) capable of emitting light continuously during motion-image shooting;

a second light emitter (see figure 1, element 120) capable of emitting flashing light during still-image shooting; and

a control circuit (see figure 1, element 118) which controls the first light emitter and the second light emitter (see para. 89), wherein when a predetermined still-image shooting mode is selected on the imaging device, the control circuit causes the first light emitter to emit light continuously before causing the second light emitter which operates in synchronization with still-image shooting to emit light (see para 102, 107, and 108).

In regard to claim 8, Yasuda, US 2004/0095504, discloses an imaging device according to claim 3, wherein the first light emitter has its periphery elevated (see figure 1, element 121).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda US 2004/0095504, in view of Kawase et al., US 6,906,748.**

In regard to claim 1, Yasuda US 2004/0095504, discloses a video camera with a still image shooting mode wherein the shooting mode shoots a still image by causing a first light emitter (auxiliary light-emitting unit 121) to emit light continuously when a first operation signal from the first trigger member (microcomputer 118) is detected (see paragraph 102) and causing the first light emitter to stop emitting light (see paragraph 107) and causing a second light emitter (main light-emitting unit 120) to emit light when a second operation signal from the first trigger member is detected (see paragraph 108). The reference also discloses a second mode, a moving image mode, wherein an image is continually illuminated by a light projector, that is inherently turned on by the microcomputer, is captured (see paragraph 60).

The Yasuda reference does not disclose comprising a mode setting member which allows a plurality of shooting modes to be set; a first trigger member for shooting still images; and a second trigger member for shooting motion images, wherein the mode setting member allows at least a first shooting mode and a second shooting mode to be set.

Kawase et al., US 6,906,748, discloses an imaging device, comprising:

a mode setting member (see figure 1, element 73) which allows a plurality of shooting modes to be set (see column 5, line 27);

a first trigger member (SW IN) for shooting still images (see column 15, lines 62-64); and

a second trigger member (SW IN) for shooting motion images (see column 15, lines 56-60),

wherein the mode setting member allows at least a first shooting mode and a second shooting mode to be set (see column 15, lines 55-64: moving image mode and still image mode).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Yasuda US 2004/0095504, in view of Kawase et al., US 6,906,748, to have a mode setting member which allows a plurality of shooting modes to be set; a first trigger member for shooting still images; and a second trigger member for shooting motion images, wherein the mode setting member allows at least a first shooting mode and a second shooting mode to be set, in order to allow the user to select the and change the shooting mode of the camera, thus making the camera easier to operate.

In regard to claim 2, Yasuda US 2004/0095504, in view of Kawase et al., US 6,906,748, discloses the imaging device according to claim 1 wherein the mode setting member allows a third shooting mode to be selected (see Kawase: column 5, line 27 and column 16, lines 19-27: several modes can be selected with operation section 73). The Yasuda and Kawase references do not disclose wherein the third shooting mode does not cause the first light emitter to emit light continuously even if the first operation signal from the first trigger member is detected, and shoots a still image by causing the second light emitter to emit light continuously when the second operation signal from the first trigger member is detected.



Kurokawa, US 6,426,775, discloses an image pickup apparatus with a shooting mode that does not cause the first light emitter (auxiliary light 16) to emit light continuously even if the first operation signal (first switch) from the first trigger member is detected unless it is dark, and shoots a still image by causing the second light emitter (flash emission part 16) to emit light continuously when the second operation signal (second switch) from the first trigger member is detected (see figure 2 and column 4, lines 1-61).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Yasuda US 2004/0095504, in view of Kawase et al., US 6,906,748, and further in view of Kurokawa, US 6,426,775, to have a third shooting mode that does not cause the first light emitter to emit light continuously even if the first operation signal from the first trigger member is detected, and shoots a still image by causing the second light emitter to emit light continuously when the second operation signal from the first trigger member is detected, in order to save battery power.

**6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0095504.**

In regard to claim 9, Yasuda, US 2004/0095504, discloses an imaging device according to claim 3. The Yasuda reference does not disclose wherein the first light emitter has a light-emitting element, condensing lens and diffuser which diffuses light from a light source placed between the light-emitting element and condensing lens.

Official Notice is taken that it is well known in the art to have a light emitter with a light-emitting element, condensing lens and diffuser placed between the light-emitting

Art Unit: 2622

element and the condensing lens, in order to emit a dim, diffused light to light the target object evenly.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify, US 2004/0095504, to have the first light emitter have a light-emitting element, condensing lens and diffuser which diffuses light from a light source placed between the light-emitting element and condensing lens, in order to emit a dim, diffused light to light the target object evenly.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,426,775, discloses an image pickup apparatus with a flash emission part and a auxiliary light emission part.

US 2005/0179779, discloses an image pickup device that uses an auxiliary light for auto-focusing.

US 6,240,252, discloses a camera that emits an auxiliary light during distance measuring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



VIVEK SRIVASTAVA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600